

In the United States District Court
for the District of Delaware

James Hall,
Plaintiff

v.

C.P. No 04-1328-GMS

David + Holman, Lawrence McGuigan
Clyde D. Sagers,
Defendant



Affidavit of James Hall

Come now the plaintiff James Hall and Stiles
under penalty of perjury that the statements and facts
made herein are true and correct to the best of Affiant's
knowledge

A.2 The Discovery Sought is Relevant to the Claims and Defenses in the Case.

Rule 26, Fed.R.Cv.P. permits discovery of matters "relevant to the subject matter involved in the pending action.... It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." in the discovery stage, relevance is construed "broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case" *Oppenheimer Fund, Inc. v. Sparks*, 437 U.S. 340, 351, 98 S.Ct. 2380 (1978) (Footnotes omitted); *Acord, Weiss v. AMCO Oil Co.*, 142 F.R.D. 311, 315 (S.D.Iowa 1992). Discovery Request should be allowed "unless it is clear that the information sought can have no possible bearing upon the subject matter of the action." *Chenise (Costa) v. Alligator Co. Inc.*, 60 F.R.D. 164, 171 (D.Del. 1973). *See Nash v. Thulke*, 743 F.Supp. 130 (E.D. Wis. 1990) (The Plaintiff was entitled to an officers urine test results, since the officers sobriety during the incident was in issue in the case).

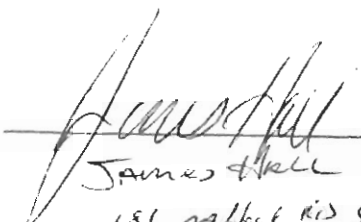
1 Each item sought by the Plaintiff is relevant to the claims and defenses in the case.

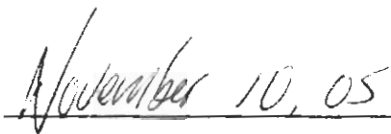
A. Documents Relevant to past mistreatment of inmate by defendant David Holman, Lawrence McQuigan. (Clyde D. Rogers)

Items 9, 10, 11, of the Plaintiff's Request Any and all grievances, seeks complaints or other documents received by the Defendants or their Agents at relevant correctional center concerning mistreatment of inmates and any memoranda, investigative files, or other documents created in response to such documents, since 1-20-04

Plaintiff, James Hall, does hereby swear and certify under penalty of perjury that the instant Affidavit is in support of Plaintiff's objection to Defendant's opposition to Plaintiff Discovery Request.

Plaintiff seeks pleading immunity under *Fraser v. South Eastern Plans Trans, Auto*, 785 F.2d 651, 3 (3rd Cir. 1986), and *Haines v. Kerner*, 404 U.S. 519 (1972) as a pro se incarcerated litigant and friend of the court.


James Hall
1181 Prattville Rd Sargent
Dahlonega, GA 30427


November 10, 05

D. Dole

IM James Hill, Jr.
SBI# 167581 UNIT W-1-G
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1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



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